HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 23731 OF 2003

BETWEEN

Smt. Padma Bai

.....**Petitioner**

And

The Government of India,
Ministry of Home Affairs,
Rep. by its Secretary,
Freedom Fighters Division,
New Delhi & another.

.....**Respondents**

:: O R D E R::

Counsel for the Petitioner : Shri P. Sridhar Rao

Counsel for Respondent No.1 : Shri A. Rajashekar Reddy
Assistant Solicitor General

Counsel for Respondent No.2 : Government Pleader for
Revenue

Dated: 12.09.2006

In this petition, the petitioner has prayed for issue of a direction to Government of India to sanction family pension in her favour under the Swatantrata Sainik Samman Pension Scheme,

1980 (for short 'the 1980 Scheme').

The aforementioned prayer of the petitioner is founded on her assertion that her husband late Shri D. Jagadish had already been granted pension under the State Scheme by being treated as a freedom fighter. Her grievance is that the Central Government arbitrarily rejected her claim for grant of pension under the 1980 Scheme on the hyper-technical ground that the application had not been submitted through proper channel.

Shri A. Rajashekar Reddy, learned Assistant Solicitor General says that if the petitioner submits an application through proper channel along with relevant documents, then her claim for grant of pension under the 1980 Scheme will be considered by the competent authority within two months from the date of receipt of the application together with documents.

In view of the statement made by the learned Assistant Solicitor General, the writ petition is disposed of in the following terms:

(1) Within one month from today, the petitioner shall submit her application for grant of pension under the 1980 Scheme to the Secretary, Revenue Department (Freedom Fighters Division), Government of Andhra Pradesh. Along with the application, the petitioner shall submit documentary evidence in support of her claim for grant of pension under the 1980 Scheme.

(2) Within one month from the date of receipt of the application and documents, Secretary, Revenue Department (Freedom Fighters Division), Government of Andhra Pradesh shall forward the same to Deputy Secretary to Government of

India, Ministry of Home Affairs (Freedom Fighters Division).

(3) Within two months of the receipt of communication from Revenue Secretary (Freedom Fighters Division), Government of Andhra Pradesh, the competent authority in the Ministry of Home Affairs shall deal with and decide the petitioner's claim for grant of pension under the 1980 Scheme. The decision shall be communicated to the petitioner by registered post.

(4) If the petitioner is found eligible and entitled to receive pension under the 1980 Scheme, then appropriate direction be given to the concerned authority to release the pension payable to her.

(5) If the decision of the Government of India is adverse to the petitioner, then she shall be entitled to avail appropriate legal remedy.

G.S.SINGHVI, CJ

Note:
The Court Officer is directed to give attested copies of this order to learned counsel for the parties.

ksld
12.09.2006